

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 28

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte DOUGLAS SHANDER,
GURPREET S. AHLUWALIA, and
DIANA MARKS-DEL GROSSO

Appeal No. 2001-0914
Application No. 08/869,381

ON BRIEF

Before STONER, Chief Administrative Patent Judge,
HARKCOM, Vice Chief Administrative Patent Judge, and
WILLIAM F. SMITH, Administrative Patent Judge.

WILLIAM F. SMITH, Administrative Patent Judge.

REMAND TO THE EXAMINER

This case is back before the Board following an original remand mailed August 21, 2001 (Paper No. 25). In response, the examiner issued a Supplemental Examiner's Answer on August 30, 2001 (Paper No. 26). Therein, the examiner set a two month period in which appellants may file a Supplemental Appeal Brief in response. The examiner stated that the two month period may be extended under the provisions of 37 CFR § 1.136(a).

The Board is now in receipt of a Supplemental Appeal Brief. To date the examiner has not had the opportunity to consider and respond to this paper.

Accordingly, we remand the application to the examiner to consider the Supplemental Appeal Brief and take whatever action is deemed appropriate. For this purpose, we state that we are authorizing a Supplemental Examiner's Answer under 37 CFR § 1.192(b)(1).

This application, by virtue of its "special" status, requires an immediate action. Manual of Patent Examining Procedure § 708.01 (7th ed., rev. 1, February 2000). It is important that the Board be informed promptly of any action affecting the appeal in this case.

REMAND

Bruce H. Stoner, Jr., Chief
Administrative Patent Judge

Gary V. Harkcom, Vice Chief
Administrative Patent Judge

William F. Smith
Administrative Patent Judge

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